

FIFTH DAY

(Thursday, October 18, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Hunt.
Adamson.	Hunter.
Aikin.	Hyder.
Alexander.	Jackson.
Alsup.	James.
Anderson.	Jefferson.
Atchison.	Johnson
Baker.	of Anderson.
Barrett.	Jones of Atascosa.
Barron.	Jones of Runnels.
Beck.	Jones of Shelby.
Bergman.	Kayton.
Bourne.	Kyle of Hays.
Bradley.	Kyle of Palo Pinto.
Burns.	Laird.
Butler.	Latham.
Calvert.	Lemens.
Camp.	Leonard.
Canon.	Lindsey.
Caven.	Long.
Celaya.	Lotief.
Chastain.	Mackay.
Clayton.	Magee.
Colson.	Mathis.
Coombes.	McCullough.
Cowley.	McGregor.
Crossley.	McKee.
Daniel.	Merritt.
Davidson.	Mitcham.
Dean.	Moffett.
Devall.	Moore.
Dunlap.	Morrison.
Duval.	Morse.
Dwyer.	Munson.
Engelhard.	Nicholson.
Fain.	Palmer.
Fisher.	Parkhouse.
Ford.	Patterson.
Fuchs.	Pavlica.
Glass.	Pope.
Golson.	Puryear.
Good.	Ramsey.
Goodman.	Ratliff.
Graves.	Ray.
Griffith.	Reader.
Hankamer.	Reed of Bowie.
Harman.	Reed of Dallas.
Harris.	Renfro.
Head.	Riddle.
Hicks.	Roark.
Hill.	Roberts.
Hodges.	Rogers of Hunt.
Holekamp.	Rogers
Holland.	of Ochiltree.
Holloway.	Rollins.
Hoskins.	Russell.
Huddleston.	Savage.
Hughes.	Scarborough.

Scott.	Thomas.
Shannon.	Tillery.
Shults.	Townsend.
Smith.	Turlington.
Stanfield.	Van Zandt.
Steward.	Vaughan.
Stinson.	Walker.
Stovall.	Weinert.
Stubbeman.	Wells.
Tarwater.	Wood.
Tennyson.	Young.

Absent

Bedford.	Greathouse.
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Absent—Excused

Cathey.	Lange.
Dunagan.	McDougald.
Harrison.	Metcalfe.
Hartzog.	Wagstaff.
Hester.	Winningham.
Johnson of Dimmit.	

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Dunagan for today, on motion of Mr. Renfro.

Mr. McDougald for today, on motion of Mr. Hankamer.

Mr. Wagstaff for today, on motion of Mr. Aikin.

Mr. Cathey for today, on motion of Mr. Latham.

Mr. Metcalfe for today, on motion of Mr. Jones of Runnels.

Mr. Hartzog for this morning, on motion of Mr. Colson.

The following Members were granted leaves of absence on account of illness:

Mr. Fisher for today, on motion of Mr. Alsup.

Mr. Winningham for today, on motion of Mr. Mitcham.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Wells:

H. B. No. 21, A bill to be entitled "An Act amending Sections 1, 4, 6, and 8, of Chapter 162, House Bill

No. 154, Acts of Regular Session of the Forty-third Legislature, and Section 2, with the exception of Subdivision 1, thereof, and Sections 3, 5, and 9, of Chapter 162, House Bill No. 154, as amended by Chapter 12, House Bill No. 55, Acts of the First Called Session of the Forty-third Legislature, defining certain words and terms; providing for credit for taxes paid by mistake; providing that tax levied shall be a liability on producer, first purchaser and subsequent purchasers; etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Mackay, Mr. Bedford, Mr. Morse, Mr. Moore, Mr. Hill, and Mr. Holland:

H. B. No. 22, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State, and authorizing payment of said miscellaneous items on taking effect of this Act, and declaring an emergency."

Referred to Committee on Claims and Accounts.

By Mr. Alexander:

H. B. No. 23, A bill to be entitled "An Act changing the time of holding the terms of the district court in the One Hundredth Judicial District, and providing that all process and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in the counties composing said district; etc., and declaring an emergency."

Referred to Committee on Judicial Districts.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, October 18, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 1, A bill to be entitled "An Act to aid the Brazos River Conservation and Reclamation District in preparing the necessary plans, specifications and data and in making the necessary surveys, and in acquiring the necessary lands, leases, easements and/or acquittances, and in building or having

built and/or co-operating in the building of proper structures, reservoirs and levees suitable for the control, in so far as practicable, of the flood waters of the Brazos River watershed, declared to be a public calamity, granting and donating to said district for a period of twenty years all of the State ad valorem taxes in the following counties, which otherwise would go into the General Revenue Fund of the State of Texas, viz.: Austin County, Brazoria County, Burleson County, Fort Bend County, Grimes County, Waller County, Washington County, Brazos County, Milam County, and Robertson County, said grant being contingent upon the receiving by said district of a grant and/or loan and/or advancement from the United States of America on or before January 1, 1940, of a sum reasonably sufficient to effect the performance of this Act, in no event to be less than \$30,000,000, and declaring certain things incidental to said purposes, providing for the segregation of said funds in the State Treasury, providing a penalty for the misapplication of the moneys thus donated, providing for the investment of available funds, providing for a system of accounting, providing that said tax diversion is based on 1934 valuation, and providing that Attorney Generals shall have right to meet with commissioners courts in preparing assessments; etc., and declaring an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

TO PROVIDE FOR AN INVESTIGATION OF RELIEF ORGANIZATIONS

Mr. Hunter offered the following resolution:

Whereas, During the Fourth Called Session of the Forty-third Legislature attention of the House of Representatives has been called to the fact that great discrimination and many inequalities prevail in the relief work of certain counties of the State of Texas; and

Whereas, Attention has further been called that great discriminations prevail in many sections of the State relative to the way and manner in which relief funds are being handled and administered; and

Whereas, The relief set-up was created in the State of Texas by an Act of the Legislature whose duty and responsibility it is to form such laws as are calculated to be for the best interest of the entire citizenship of the State; and

Whereas, The Board of Control, present Relief Administrative Body for the State of Texas under the now existing set-up, will doubtless be materially aided in its work by the findings of the committee hereinafter provided; now, therefore, be it

Resolved by the House of Representatives of the State of Texas in this the Fourth Called Session of the Forty-third Legislature, That a committee of five Members be appointed by the Speaker of the House, the powers and duties of said committee to be as hereinafter provided.

(1) Said committee is charged with the duty of investigating and inquiring into the affairs and activities of all relief organizations within the State of Texas.

(2) Said committee shall have the power to formulate its own rules of procedure and evidence and to provide for its own hours for meeting and adjournment.

(3) Said committee shall have power to issue summons for witnesses to any place in this State and to compel them to produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments which may be addressed to and served by any sheriff or constable of this State or the sergeant-at-arms appointed by this committee and all officers, employes and members of the same. The committee shall have power to administer oath and fix the bonds of attached witnesses.

(4) Witnesses attending said committee under subpoena or attachment shall be allowed the same mileage and per diem as allowed witnesses in the trial of criminal cases in district court.

(5) Said committee is authorized to keep a record of its proceedings and investigation in so far as it deems said record advisable and empowered to employ the necessary help to keep such record.

(6) Said committee may call upon the Attorney General's Department, Auditor's Department, Ranger's Department, or any other department

of the State for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions and give counsel and assistance to said committee upon request of chairman or members of said committee.

(7) The actual necessary expenses of the Members of the House of Representatives serving upon this committee shall be paid out of the Contingent Expense Fund of the House.

(8) Said committee shall begin and complete its investigation at its earliest practicable moment, and shall submit a report in writing at the Regular Session of the Forty-fourth Legislature. All expenditures incident to the work of such committee shall be paid out of the Contingent Expense Fund of the House of Representatives of the Fourth Called Session of the Forty-third Legislature, upon sworn accounts, approved by the chairman of said committee.

Signed—Hunter, Good, Scott, McKee, Wood, Morse, McCullough, Celaya, Colson.

The resolution was read second time.

On motion of Mr. Reed of Bowie, the resolution was referred to the Committee on State Affairs.

BILL ORDERED NOT PRINTED

On motion of Mr. Baker, Senate Bill No. 2 was ordered not printed.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 1, to the Committee on Conservation and Reclamation.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

S. C. R. No. 2, Inviting Judge W. O. Huggins to address a Joint Session of the House and Senate.

HOUSE BILL NO. 6 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 6, A bill to be entitled "An Act releasing interest and penalties on ad valorem and poll taxes that were delinquent on or before October 1, 1934, due the State, any county, common school district, road district, levee improvement district, water improvement district, water control and improvement district, irrigation district, and other defined subdivisions of the State, provided same are paid on or before January 31, 1935; provided said taxes are paid during the month of February, 1935, with an addition of one per cent (1%) penalty thereon; provided said taxes are paid during the month of March, 1935, with an addition of two per cent (2%) penalty thereon; provided said taxes are paid during the month of April, 1935, with an addition of three per cent (3%) penalty thereon; etc., and declaring an emergency";

The bill having been read second time on yesterday.

Mrs. Hughes offered the following amendment to the bill:

Amend House Bill No. 6 by striking out Sections 1, 2, 3, and 4, and renumbering the sections accordingly.

The amendment was adopted.

Mrs. Hughes offered the following amendment to the bill:

Amend House Bill No. 6, Section 5, by adding a new paragraph to read as follows:

"The provisions of this section shall not apply to cities, towns and independent school districts, until the governing body thereof shall pass an ordinance or resolution providing that the provisions of this section shall apply to such city, town and independent school district."

The amendment was adopted.

Mr. Golson offered the following amendment to the bill:

Amend House Bill No. 6 by striking out all of Section nine (9), and renumbering all subsequent sections accordingly.

The amendment was adopted.

Question—Shall House Bill No. 6 pass to engrossment?

RECESS

On motion of Mr. Lotief, the House, at 11:55 o'clock a. m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 6 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 6, relative to releasing the interest and penalties on certain delinquent ad valorem and poll taxes, the bill having been read second time on yesterday.

Mr. Lotief offered the following amendment to the bill:

Amend House Bill No. 6 by adding a new section:

"Provided, however, that the commissioners court shall not enter into a contract with any person, co-partnership, or corporation, to collect delinquent county and State taxes, but the duties hereby imposed shall be performed by the county or district attorneys."

LOTIEF,
BURNS.

Mr. Alsup moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment by Mr. Lotief, it was adopted by the following vote:

Yeas—66

Adamson.
Aikin.
Baker.
Barrett.
Bergman.
Bourne.
Bradley.
Burns.
Butler.
Calvert.
Canon.
Celaya.
Colson.
Coombes.
Cowley.
Dunlap.
Fain.
Glass.
Griffith.
Harman.
Hill.
Hodges.
Holekamp.
Holloway.
Hoskins.
Huddleston.

Hunt.
Hunter.
James.
Johnson
of Anderson.
Jones of Shelby.
Kyle of Palo Pinto.
Latham.
Lindsey.
Lotief.
Mackay.
Magee.
McCullough.
McGregor.
Merritt.
Mitcham.
Moore.
Palmer.
Patterson.
Pavlica.
Pope.
Puryear.
Reader.
Reed of Bowie.
Reed of Dallas.
Riddle.

Roberts.
Rogers of Hunt.
Russell.
Savage.
Scarborough.
Scott.
Shannon.
Smith.

Stubbeman.
Tarwater.
Thomas.
Vaughan.
Walker.
Weinert.
Wells.

Nays—39

Alexander.
Alsup.
Atchison.
Camp.
Caven.
Crossley.
Dean.
Devall.
Golson.
Good.
Goodman.
Graves.
Hankamer.
Harris.
Holland.
Hughes.
Hyder.
Jackson.
Jones of Atascosa.
Jones of Runnels.

Kayton.
Lemens.
Long.
McKee.
Moffett.
Morrison.
Nicholson.
Ratliff.
Roark.
Rogers
of Ochiltree.
Rollins.
Steward.
Stovall.
Tennyson.
Tillery.
Townsend.
Turlington.
Van Zandt.
Wood.

Absent

Anderson.
Barron.
Beck.
Bedford.
Chastain.
Clayton.
Daniel.
Davidson.
Duvall.
Dwyer.
Engelhard.
Ford.
Fuchs.
Greathouse.
Head.
Hicks.

Jefferson.
Kyle of Hays.
Laird.
Leonard.
Mathis.
Morse.
Munson.
Parkhouse.
Ramsey.
Ray.
Renfro.
Shults.
Stanfield.
Stinson.
Young.

Absent—Excused

Cathey.
Dunagan.
Fisher.
Harrison.
Hartzog.
Hester.

Johnson
of Dimmit.
Lange.
McDougald.
Metcalf.
Wagstaff.
Winningham.

Mr. Van Zandt, Mr. Good, and others offered the following amendment to the bill:

Amend House Bill No. 6 by striking out all of Section 5, and substitute in lieu thereof the following:

"Section 5. From and after the passage of this Act, all ad valorem

taxes hereafter assessed and levied in accordance with the law, by the State of Texas, or any county, common school district, road district, levee improvement district, water improvement district, water control and improvement district, irrigation district and other defined subdivisions of the State (and under optional provisions hereinafter set out, all ad valorem taxes assessed and levied by any city, town or independent school district), shall hereafter become due and payable during the month of January of each succeeding year; and such ad valorem tax shall hereafter be assessed and levied in such a way as to permit the following manners and methods of payment thereof:

"a. That such taxes, if entirely paid during the month of October of the year for which such taxes are assessed, will be ninety-six per cent (96%) of the amount that such taxes would be if paid after the expiration of said year;

"b. That such taxes, if entirely paid during the month of November of the year for which such taxes are assessed, will be ninety-seven per cent (97%) of the amount that such taxes would be if paid after the expiration of said year; and

"c. That such taxes, if entirely paid during the month of December of the year for which the taxes are assessed, will be ninety-eight per cent (98%) of the amount that such taxes would be if paid after the expiration of said year.

"The provisions of this section shall not apply to cities, towns and independent school districts, until the governing body thereof shall pass an ordinance or resolution providing that the provisions of this section shall apply to such city, town or independent school district.

"The Comptroller of Public Accounts shall prescribe suitable forms for tax rolls to be used by the assessor and collector of taxes, in making such assessments and in crediting payment thereof."

VAN ZANDT,
GOOD,
RUSSELL,
ALEXANDER,
WOOD,
MOFFETT.

Mr. McGregor offered the following amendment to the amendment:

Amend the amendment by adding thereto the following: "Provided

that from and after six (6) years from the assessing and levying said taxes, the same shall be conclusively presumed to have been paid."

Mr. Van Zandt raised a point of order on further consideration of the amendment by Mr. McGregor, on the ground that it violates the provisions of Section 55, of Article III, of the State Constitution.

The Speaker sustained the point of order.

Mr. McGregor offered the following amendment to the amendment:

Amend the amendment by adding thereto the following: "Provided that from and after ten years from the assessing and levying said taxes the same shall be conclusively presumed to have been paid."

Mrs. Hughes raised a point of order on further consideration of the amendment by Mr. McGregor, on the ground that it is not germane to the amendment by Mr. Van Zandt.

The Speaker sustained the point of order.

Question recurring on the amendment by Mr. Van Zandt and others, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 6 was then passed to engrossment.

HOUSE BILL NO. 6 ON THIRD READING

Mrs. Hughes moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Adamson.	Calvert.
Aikin.	Camp.
Alexander.	Canon.
Alsup.	Chastain.
Atchison.	Clayton.
Baker.	Colson.
Barrett.	Coombes.
Barron.	Crossley.
Beck.	Daniel.
Bergman.	Dean.
Bourne.	Devall.
Burns.	Dunlap.
Butler.	Duvall.

Engelhard.	Merritt.
Fain.	Moffett.
Ford.	Nicholson.
Fuchs.	Palmer.
Glass.	Parkhouse.
Golson.	Patterson.
Good.	Pavlica.
Goodman.	Puryear.
Griffith.	Ratliff.
Hankamer.	Ray.
Harman.	Reader.
Harris.	Reed of Bowie.
Hill.	Reed of Dallas.
Hodges.	Renfro.
Holekamp.	Riddle.
Holland.	Roark.
Hoskins.	Rogers
Huddleston.	of Ochiltree.
Hughes.	Rollins.
Hunt.	Russell.
Hunter.	Savage.
Hyder.	Scarborough.
Jackson.	Scott.
James.	Shannon.
Jefferson.	Smith.
Johnson	Steward.
of Anderson.	Stinson.
Jones of Atascosa.	Stovall.
Jones of Runnels.	Stubbeman.
Jones of Shelby.	Tarwater.
Kyle of Hays.	Tennyson.
Kyle of Palo Pinto.	Thomas.
Laird.	Tillery.
Latham.	Townsend.
Lemens.	Turlington.
Leonard.	Van Zandt.
Long.	Vaughan.
Lotief.	Walker.
Mackay.	Wells.
Magee.	Wood.
McKee.	Young.

Nays—7

Bradley.	Mitcham.
Graves.	Morrison.
Kayton.	Munson.
Lindsey.	

Absent

Anderson.	McCullough.
Bedford.	McGregor.
Caven.	Moore.
Celaya.	Morse.
Cowley.	Pope.
Davidson.	Ramsey.
Dwyer.	Roberts.
Greathouse.	Rogers of Hunt.
Head.	Shults.
Hicks.	Stanfield.
Holloway.	Weinert.
Mathis.	

Absent—Excused

Cathey.	Harrison.
Dunagan.	Hartzog.
Fisher.	Hester.

Johnson
of Dimmit.
Lange.
McDougald.

Metcalfe.
Wagstaff.
Winningham.

The Speaker then laid House Bill No. 6 before the House on its third reading and final passage.

The bill was read third time, and was passed.

Mrs. Hughes moved to reconsider the vote by which the bill was passed.

The motion to reconsider prevailed

House Bill No. 6 was then passed by the following vote:

Yeas—110

Aikin.	Jefferson.
Alexander.	Johnson
Alsup.	of Anderson.
Atchison.	Jones of Atascosa.
Baker.	Jones of Runnels.
Barron.	Jones of Shelby.
Beck.	Kyle of Hays.
Bourne.	Kyle of Palo Pinto.
Burns.	Laird.
Butler.	Latham.
Calvert.	Lemens.
Camp.	Leonard.
Canon.	Lindsey.
Chastain.	Long.
Clayton.	Lotief.
Colson.	Mackay.
Cowley.	Magee.
Crossley.	McCullough.
Daniel.	McGregor.
Davidson.	McKee.
Dean.	Merritt.
Devall.	Mitcham.
Dunlap.	Moffett.
Duvall.	Moore.
Engelhard.	Morrison.
Fain.	Nicholson.
Ford.	Palmer.
Fuchs.	Parkhouse.
Glass.	Pavlica.
Golson.	Pope.
Good.	Puryear.
Goodman.	Ratliff.
Griffith.	Ray.
Hankamer.	Reader.
Harman.	Reed of Bowie.
Harris.	Reed of Dallas.
Hill.	Renfro.
Hodges.	Riddle.
Holekamp.	Roark.
Holland.	Roberts.
Hoskins.	Rogers
Huddleston.	of Ochiltree.
Hughes.	Rollins.
Hunt.	Russell.
Hunter.	Savage.
Hyder.	Scarborough.
Jackson.	Shannon.
James.	Smith.

Steward.
Stinson.
Stovall.
Stubbeman.
Tarwater.
Tennyson.
Thomas.
Tillery.

Townsend.
Turlington.
Van Zandt.
Walker.
Weinert.
Wells.
Wood.
Young.

Nays—7

Adamson.
Bergman.
Bradley.
Caven.

Graves.
Kayton.
Munson.

Absent

Anderson.
Barrett.
Bedford.
Celaya.
Coombes.
Dwyer.
Greathouse.
Head.
Hicks.
Holloway.

Mathis.
Morse.
Patterson.
Ramsey.
Rogers of Hunt.
Scott.
Shults.
Stanfield.
Vaughan.

Absent—Excused

Cathey.
Dunagan.
Fisher.
Harrison.
Hartzog.
Hester.

Johnson
of Dimmit.
Lange.
McDougald.
Metcalfe.
Wagstaff.
Winningham.

ADJOURNMENT

On motion of Mr. Riddle, the House, at 5 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on Conservation and Reclamation filed a favorable report on Senate Bill No. 1.

The Committee on Claims and Accounts filed a favorable report on House Bill No. 4.

SIXTH DAY

(Friday, October 19, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present: